

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Western District of Texas**

Case Number: 1:23-CV-858-DII

Plaintiff:

BOOK PEOPLE, INC., et al

vs.

Defendant:

**MARTHA WONG in her official capacity as chair of the Texas State
Library and Archives Commission, et al**

Received these papers on the 26th day of July, 2023 at 4:30 pm to be served on **MARTHA WONG in her official capacity as chair of the Texas State Library and Archives Commission, 1201 Brazos Street, Austin, Travis County, TX 78701.**

I, Vivian Smith, being duly sworn, depose and say that on the **28th day of July, 2023 at 9:45 am, I:**

delivered a true copy of this **Summons in a Civil Action and Original Complaint with Exhibits A through G and Civil Cover Sheet** to **MARTHA WONG in her official capacity as chair of the Texas State Library and Archives Commission** by delivering in hand to, **TIM GLEISNER, Deputy Director, State Librarian**, at the address of **1201 Brazos Street, Austin, Travis County, TX 78701**, having first endorsed upon such copy of such of such process the date of delivery.

Additional Information pertaining to this Service:

7/28/2023 9:45 am Attempted service at 1201 Brazos Street, Austin, TX 78701. I spoke with the Deputy Director, State Librarian, Tim Gleisner who advised that Martha Wong cannot personally accept service as she lives in Houston. He informed me that he is authorized to accept service on her behalf and on behalf of the Texas State Library and Archives Commission. I delivered the legal documents to Deputy Director, State Librarian, Tim Gleisner.

I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 28th day of July, 2023 by the affiant who is personally known to me.



Vivian Smith
PSC-12617, Exp. 5/31/2024



NOTARY PUBLIC



Our Job Serial Number: THP-2023004689
Ref: 2070376



AO 440 (Rev. 06/12) Summons in a Civil Action

RECEIVED**UNITED STATES DISTRICT COURT**

for the

Western District of Texas

JUL 26 2023

@4:30 pm

BOOK PEOPLE, INC., VBK, INC. d/b/a BLUE
 WILLOW BOOKSHOP, AMERICAN BOOKSELLERS
 ASSOCIATION, ASSOCIATION OF AMERICAN
 PUBLISHERS, AUTHORS GUILD, INC., COMIC BO

Plaintiff(s)

v.

MARTHA WONG in her official capacity as chair of
 the Texas State Library and Archives Commission,
 KEVEN ELLIS in his official capacity as chair of the
 Texas Board of Education, MIKE MORATH in his offi

Defendant(s)

Civil Action No. 1:23-cv-858-DII

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Martha Wong in her official capacity as chair of the Texas State Library and Archives
 Commission
 Texas State Library and Archives Commission
 1201 Brazos St.
 Austin, TX 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Laura Lee Prather
 laura.prather@haynesboone.com
 Haynes and Boone, LLP
 600 Congress Ave., Suite 1300
 Austin, TX 78701
 (512) 867-8400

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 07/26/2023



CLERK OF COURT PHILIP J. DEVLIN

Con R
 Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:23-cv-858-DII

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Martha Wong in her official capacity as chair of the
 was received by me on (date) 7/26/2023 . Texas State Library and Archives Commission

☐ I personally served the summons on the individual at (place) _____
 on (date) _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 , a person of suitable age and discretion who resides there,
 on (date) _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____ , who is
 designated by law to accept service of process on behalf of (name of organization) _____
 on (date) _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other (specify): _____

RETURN / AFFIDAVIT
 PROOF - ATTACHED

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

 Server's signature

 Printed name and title

 Server's address

Additional information regarding attempted service, etc: